



UNITED STATES PATENT AND TRADEMARK OFFICE

Gx

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,297	05/07/2002	Toshio Takagi	011700	8814

23850 7590 01/06/2004

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,297	TAKAGI ET AL.	
	Examiner	Art Unit	
	Marianne S. Ocampo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) filed on 3/5/02
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: copy of Bibliographic Info/Data Sheet

DETAILED ACTION

Drawings

1. In a telephone conversation on 12-15-03 with Mr. Stephen Adrian, applicants' representative, a letter received on 8-1-02 from the applicants indicating there should be 40 pages of drawings has been discussed. There are currently only 35 actual drawing sheets on file and 4 pages of "legend" (i.e. reference numbers and their corresponding structure) information, totaling 39 numbers in all. Mr. Adrian informed the examiner that there are 35 actual drawing pages and not 39 as indicated in the Bibliographic Sheet (attached herewith) information nor 40, as indicated in the letter sent on 8-1-02, and 5 sheets of legend information indicating reference numbers and their corresponding structure shown in the drawing figures.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the germicidal ceramic and a sintered magnetic body being installed in the flow path from the flow path switching valve to the delivery switching valve, as in claim 14 must be shown or the feature should canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed limitation "the germicidal ceramic and a sintered magnetic body being installed in the flow path from the flow path switching valve to the delivery switching valve" as in claim 14, lacks support in the original specification. Furthermore, there is no support found for the claimed limitation "a germicidal ceramic being installed in the flow path from the flow path switching valve to the delivery flow switching valve", also in claim 4. There is only support for a sintered magnetic body being installed in the flow path from the flow path switching valve to the delivery switching valve, as in originally filed figures 6 & 9 - 11:

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

5. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application **JP 11/191075 filed on 7-5-99**, should be submitted under 37 CFR 1.55 in reply to this action:

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 -2, 5 - 6, 10 and 15 - 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Burchard et al. (US 5,858,215).

8. Concerning claim 1, Burchard et al. disclose a filter assembly capable of use as a shower head (10) with a water purification cartridge (360) comprising:

- a holding part (10, 20) formed to have a connection terminal with other parts, and
- a head part (140) having a shower delivery port (spray port, 484, as in figs. 7 & 39 - 42) integrally formed at the tip of the holding part (10, 20), wherein
 - in the holding part, a water quality purification cartridge (360) is incorporated, and there are formed a water purification flow path (defined by conduits 30 through 384 through cartridge 360 and into central portion (392) of the cartridge) which penetrates the water purification cartridge to form a delivery flow path (from 392 to 380) towards the head part (140),

and a raw water flow path (from 390 to 368) constituting a flow path placed side by side with the purification cartridge, the raw water flow path forming an inlet side flow path of the water purification flow path on the upstream side and a delivery flow path (via tube 368) towards the head part on the downstream side *without penetrating the water purification cartridge* (this has been broadly defined by the examiner as the flow of water which does not have to pass through the purifying material of the cartridge), and

- in the head part, the following are *incorporated*: (the term “incorporated” has been defined by the examiner to convey the same meaning that “comprises” does)

- a flow path switching valve (510, 512, 520) switching between a delivery flow path from the water purification flow path and a delivery flow path from the raw water flow path,

- a straight delivery port (stream port, 482, 496) provided side by side at a place where the shower delivery port (484, 494) is formed on the downstream side of the flow path switching valve, and

- a delivery flow switching valve (480, 204, 206, 462-472) switching a delivery flow from the straight delivery port (496) and a delivery flow path from the shower delivery port (494), and

- the flow path switching valve and the delivery flow switching valve being formed so as to be controlled from outside the head part independently of each other, as in figs. 1 - 7, 39 - 42 & 60 - 62 and cols. 1 - 10.

9. Regarding claim 2, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. also disclose the water purification flow path and the raw water flow path formed by incorporation of the water quality purification cartridge (360, 362) are formed such that a flow path (defined by chamber 384) on the outer periphery of the cartridge is formed as a part of the raw water flow path, and a flow path from the outer peripheral flow path (384) to a central space (392) formed in the central part of the cartridge (360) via a water purification material (362) provided in the cartridge is formed as a part of the water purification flow path, as in fig. 62 and in col. 6, lines 31 – 65.

10. With respect to claim 5, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. also disclose the flow path switching valve being arranged on the upstream side of a collection section of the water purification flow path and the raw water flow path being provided downstream of the flow path switching valve.

11. With regards to claim 6, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. also disclose an operating part of the flow path switching valve being incorporated in the head part and an operation end (button, 520,208) of the operating part being made to protrude outwards of the head part (140), as in figs. 4 – 5.

12. Concerning claim 10, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. further disclose the delivery flow switching valve being formed comprising an

operating part (via buttons 204 & 206) formed so as to be able to switch the flow path from outside of the head part (140), as in figs. 5 & 1 - 3.

13. Regarding claim 15, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. also disclose a hose (19) being connected to a faucet (14) being connected to the connection terminal with said other parts, as in figs. 1 - 2.

14. With regards to claim 16, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. further disclose a delivery port (19, 18) of a faucet (14) being directly connected to the connection terminal with the other parts, as in figs. 1 - 2.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

With regards to the following rejection, applicant may overcome the applied art (specifically, US 2002/0152549 to Kanaya et al.) either by a showing under 37 CFR 1.132 that

the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. (215) in view of Kanaya et al. (US 2002/0152549 A1) or WO 01/56445.

17. With respect to claim 3, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. has also disclosed the water purification cartridge being formed such that a central space (defined by the tube 368) of the cartridge is formed as part of the raw water flow path. Burchard et al. fail to disclose a flow path from the central space to an outer peripheral flow path via the water purification material in the cartridge is formed as part of the water purification flow path.

18. Kanaya et al. teach a similar shower head to that of Burchard et al., the shower head of Kanaya et al. including a holding part (3) and a head part (2), wherein in the holding part; a water purification cartridge (5, 6) is incorporated and a water purification flow path penetrating the purification cartridge and a raw water flow path in a central space of the cartridge (5) are also formed, and a flow path from the central space to an outer peripheral flow path via the water

purification material in the cartridge is formed as part of the water purification flow path, as in fig. 1 and in pages 3 – 5 of US 2002/0152549.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the device/shower head of Burchard et al., by adding the embodiment taught by Kanaya et al., in order to provide an alternative design for the flow arrangement of the fluid to be filtered through the holding part of the shower head, at the same time provide a shower head which has less water permeable resistance compared to conventional design (such as the one taught by Burchard et al.), thereby ensuring continuous flow of filtered fluid through the shower head during filtration mode, as in page 5, paragraph 65 of Kanaya et al. (Note that US 2002/0152549 is being considered English-equivalent of WO 01/56445).

19. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. (215) in view of Corder (US 4,107,046).

20. Concerning claim 4, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the flow path switching valve being provided with a water purification cut-off valve and a raw water cut-off valve separately.

21. Corder teaches a similar shower head to that of Burchard et al., the shower head of Corder including a head part (22, 38) and a holding part (20, 40), and further including a flow switching valve (34, 36) in the head part (22, 38) which switches between a delivery flow from a water purification flow path and a delivery flow from a raw water flow path and the flow path

switching valve being provided with a water purification cut-off valve and a raw water cut-off valve separately, as in figs. 1 - 3 and in cols. 3 - 5.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the flow switching valve of the shower head of Burchard et al., by adding the embodiment taught by Corder, in order to provide an alternative design and effective shower head which allows separate control valves for purified and unpurified water through the shower head, thereby allowing ready dispensing of purified water at any time without fear of dispensing unfiltered water by mistake. The design taught by Corder also allows for simple, inexpensive way of delivering purified water, without use extra or more complex faucet/spigot design such as the one taught by Burchard et al.

22. With respect to claim 7, the limitation in this claim, namely, "the operation end of said operating part" lacks proper antecedent basis. Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the flow path switching valve being formed as an alternating switching cut-off valve having a water purification cut-off valve and a raw water cut-off valve arranged side by side such that a push button is formed as an operation end of an operating part and the flow path being alternately cut off by the push button.

23. Corder further teaches the flow path switching valve (34, 36) being formed as an alternating switching cut-off valve having a water purification cut-off valve and a raw water cut-off valve arranged side by side such that a push button (44, 42) is formed as an operation end of

an operating part and the flow path being alternately cut off by the push button, as in figs. 1 - 3.

The same motivation provided above in claim 4 is applied here.

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. in view of Corder (046) and Magnenat et al. (US 5,158,234)

25. With regards to claim 8, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the flow path switching valve being formed as an alternating switching cut-off valve having a water purification cut-off valve and a raw water cut-off valve arranged side by side such that a control lever is formed as an operation end of an operating part and the flow path being alternately cut off by the control lever.

26. Corder teaches a similar shower head to that of Burchard et al., the shower head of Corder including a head part (22, 38) and a holding part (20, 40), and further including a flow switching valve (34, 36) in the head part (22, 38) which switches between a delivery flow from a water purification flow path and a delivery flow from a raw water flow path and the flow path switching valve being formed as an alternating switching cut-off valve (34, 36) having a water purification cut-off valve and a raw water cut-off valve arranged side by side such that a control means, in the form of a push button, is formed as an operation end of an operating part and the flow path being alternately cut off by the control means/push button, as in figs. 1 - 3 and in cols. 3 - 5.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the flow switching valve of the shower head of Burchard et al., by adding the embodiment taught by Corder, in order to provide an alternative design and effective shower head which allows separate control valves for purified and unpurified water through the shower head, thereby allowing ready dispensing of purified water at any time without fear of dispensing unfiltered water by mistake. The design taught by Corder also allows for simple, inexpensive way of delivering purified water, without use extra or more complex faucet/spigot design such as the one taught by Burchard et al.

27. Burchard et al. as modified by Corder, fail to teach the control means of the flow switching valve being a control lever.

28. Magnenat et al. teach a shower head similar to that of Burchard et al., the shower head of Magnenat et al. including a flow switching valve (28, 29) being formed as an alternating switching cut off valve operated by a control lever (35, 28), as in figs. 1 - 10 and cols. 1 - 4.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the device/shower head, particularly the flow switching valve, of Burchard et al., as modified by Corder, by adding the embodiment taught by Magnenat et al., in order to provide an alternative design for the flow switching valve which is easy to use, simple and does not cost much to manufacture compared to those more complex design of switching valves (like the one taught by Burchard et al. and Corder, which are push button-operated), as in col. 4, lines 31 - 59 and col. 1, lines 37 - 51. Push-button operated devices tend to damage more easily than those with levers after several uses due to uneven and sometimes forceful pushes on the buttons.

29. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. in view of Nguyen et al. (US 6,179,130 B1).

30. Regarding claim 9, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the water purification cut-off valve and raw water cutoff valve of the alternating switching cut off valve comprising a spherical valving element.

31. Nguyen et al. teach a similar shower head to that of Burchard et al., the shower head of Nguyen et al. including a head part (46, 60) and a holding part (46, 56) and a flow switching valve (210) which is formed as an alternating switching cut off valve comprising a spherical valving element, as in figs. 1 – 5 and cols. 4 – 14.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the shower head of Burchard et al., particularly the flow switching valve thereof, in lieu of the embodiment taught by Nguyen et al., in order to provide an alternative and improved design for the switching valve, which allows easy manipulation of the shower head for ready dispensing of filtered or unfiltered water and at the same time, provide fast selection of type of fluid to be dispensed by the shower head, as in cols. 1 – 2 of Nguyen et al.

32. Claims 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. (215) in view of Magnenat et al. (US 5,158,234).

33. With respect to claim 11, the limitation in this claim, namely, "said operating part" in the last two lines, lacks proper antecedent basis. Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the delivery flow switching valve being formed as a cut off valve operated by a lever and comprising a control lever operated from outside of the head part, as an operating part thereof.

34. Magnenat et al. teach a shower head similar to that of Burchard et al., the shower head of Magnenat et al. including a delivery flow switching valve (28, 29) being formed as a cut off valve operated by a lever (35, 28) and comprising a control lever (35) operated from outside of the head part, as an operating part thereof, as in figs. 1 - 10 and cols. 1 - 4.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the device/shower head, particularly the delivery flow switching valve, of Burchard et al., by adding the embodiment taught by Magnenat et al., in order to provide an improved and alternative design for the delivery flow switching valve which is easy to use, simple and does not cost much to manufacture compared to those more complex design of switching valves (like the one taught by Burchard et al. which is a push button-operated), as in col. 4, lines 31 - 59 and col. 1, lines 37 - 51.

35. Concerning claim 12, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose the delivery flow switching valve being formed comprising a rotary operating part which operates the delivery port from outside of the head part.

36. Magnenat et al. teach a shower head similar to that of Burchard et al., the shower head of Magnenat et al. including a delivery flow switching valve (28, 29) being formed to comprise a rotary operating part (28, 35) which operates the delivery port (i.e. by selecting a port to dispense either a water stream/spray) from outside of the head part, as in figs. 1 - 10.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the device/shower head, particularly the delivery flow switching valve, of Burchard et al., by adding the embodiment taught by Magnenat et al., in order to provide an improved and alternative design for the delivery flow switching valve which is easy to use, simple and does not cost much to manufacture compared to those more complex design of switching valves (like the one taught by Burchard et al. which is a push button-operated), as in col. 4, lines 31 - 59 and col. 1, lines 37 - 51.

37. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchard et al. (215) in view of Gonzalez (US 5,252,206).

38. With regards to claim 13, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can

render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 13 recites the broad recitation "a germicidal ceramic **and** a sintered magnetic body being installed in the flow path from the water purification material to the delivery flow switching valve", and the same claim also recites "a germicidal ceramic **or** a sintered magnetic body being installed in the flow path from the water purification material to the delivery flow switching valve" which is the narrower statement of the range/limitation.

39. Regarding claim 13, Burchard et al. have disclosed the limitations of claim 1 above. Burchard et al. fail to disclose a germicidal ceramic and/or a sintered magnetic body being installed in the flow path from the water purification material to the delivery flow switching valve (claim 13).

40. Gonzalez teaches a filtration cartridge capable of use in the shower head of Burchard et al., the filtration cartridge of Gonzalez further including a germicidal ceramic being installed in the flow path from a water purification material (25) of the cartridge towards a delivery port or a delivery flow switching valve (as in the case when placed in the shower head of Burchard et al.), as in figs. 1 - 2 and cols. 1 - 3.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the shower head of Burchard et al, in particular the filtration cartridge thereof, by substituting the cartridge of Burchard et al. in lieu of the filtration cartridge taught by Gonzalez, in order to provide an improved and alternative filtration cartridge for the shower head of Burchard et al., which not only provides a clean fluid/water by removing unwanted particulates or chemicals/odors removed by the water purification material, but also provides a cleaner and safer water/fluid which removes bacteria and harmful microorganisms with one single cartridge.

35 U.S.C. 112 Rejection and Allowable Subject Matter

41. Claim 14 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. With regards to claim 14, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for

example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 14 recites the broad recitation "*a germicidal ceramic and a sintered magnetic body* being installed in the flow path from the flow path switching valve to the delivery flow switching valve", and the same claim also recites "*a germicidal ceramic or a sintered magnetic body* being installed in the flow path from the flow path switching valve to the delivery flow switching valve" which is the narrower statement of the range/limitation.

42. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art applied and searched, has disclosed or rendered obvious a shower head having all the combination of limitations recited in claims 1 and 4 or 5, and 14 further including the limitation of a germicidal ceramic and/or a sintered magnetic body being installed in the flow path from the flow path switching valve to the delivery flow switching valve.

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 6,368,503 (Williamson et al.) & 6,093,313 (Bovaird et al.) and JP 2001-137143 (Takagi).

Art Unit: 1723

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272-1144. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

46. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.
M.S.O.

Walker
W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700